

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-32 are pending. Claims 1-21 and 23-32 are independent and hereby amended. Support for this amendment is provided throughout the Specification as originally filed and specifically at paragraphs [0092] and [0172] of Applicants' corresponding published application. No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §101

Claims 4, 5, 6, 9, 10, 15, 16, 19, 20, 23, 24, 27, 28, 30 and 32 are hereby amended, thereby obviating the rejection under 35 U.S.C. §101.

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-32 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,311,194 to Sheth, et al. (hereinafter, merely “Sheth”) in view of U.S. Patent No. 6,061,688 to Kilpatrick, et al. (hereinafter, merely “Kilpatrick”).

IV. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...creating means for creating said essence and for generating metadata for explaining said essence when creating said essence;

acquisition means for acquiring video and audio data used to create the essence...

...wherein the archiving means issues and archives a tag pointing the archiving means that archives the metadata that explains the essence...” (Emphasis added)

As understood by Applicants, Kilpatrick relates to retrieving data through digital maps.

Applicants submit that neither Sheth nor Kilpatrick, taken alone or in combination, that would teach or suggest the above-identified features of claim 1. Specifically, neither of the references used as a basis for rejection describes that the archiving means issues and archives a tag pointing the archiving means that archives the metadata that explains the essence, as recited in claim 1.

Specifically, the Office Action (page 4) concedes that Sheth fails to explicitly mention that the archiving means issues and archives a tag specifying the metadata and retrieves the metadata according to the tag, but asserts that Sheth suggests XML allows for creation of

customized tags in Col. 6, lines 39-45, and Sheth discloses automated content acquisition may use metadata in Col. 4, lines 14-17, and the cited paragraphs are reproduced as follow:

Current manual or automated content acquisition may use metatags that are part of an HTML page, but these are proprietary and have no contextual meaning for general search applications... (Col. 4, lines 14-17)

XML: (eXtensible Markup Language), a specification developed by the W3C that allows for the creation of customized tags similar to those in HTML. The standard allows definition, transmission, validation, and interpretation of data between applications and between organizations. (Col. 6, lines 39-45)

Thus, in Sheth, metatags are part of an HTML page, which can be used for content acquisition, but nothing teaches the metatags can be connected with the HTML page by a tag.

However, Applicants submit that in the present invention, paragraph [0092] of Applicants' corresponding published application describes the metadata explaining the obtained essence, and paragraph [0172] describes a tag connecting the metadata with the obtained essence, and the above mentioned paragraphs are reproduced as follow:

[0092] As the supplementary information, metadata is used. The metadata denotes data for stating the necessary information for discriminating the materials obtained on recording, such as recording time, recording ID, recording title, or the name of a photographer or a reporter.

[0172] In this programme preparation and distribution system 100, a database is constructed in which the archive system 40 manages metadata in a concentrated fashion along with the essence such as video and audio data. By the distributed programme editing system 10, the metadata inputted at the planning processing PP1 and at the casting processing PP2 is registered in the database managed in a concentrated fashion by an archival manager 40A of the archive system 40, at the same time as a tag specifying the registered metadata is issued. This tag is co-packed with the video and audio information obtained on acquisition by the acquisition system 60. In the production system 20, the timing to flow the staff roll is specified during the off-line processing PR4 in the production system 20. In accordance with the specified timing, the metadata is taken out from the database pointed by the tag co-packed with the video information or the audio information to generate the corresponding character automatically to effect complete editing processing.

Thus, in the present invention, the metadata explains the necessary information of the obtained materials (such as recording time, recording ID, recording title, or the name of a

photographer or a reporter), and there is a tag, co-packed with the obtained materials, specifying the metadata, so that in post-production, the metadata is taken out from the database pointed by the tag, *i.e.*, **the tag connects the metadata with the obtained essence**. In other words, **Sheth's metatag that explains an HTML page, corresponds to the Applicants' metadata that explains the obtained essence, and Sheth teaches nothing about a tag that specifies the metatag.**

Thus, nothing has been found in Sheth that would teach the archiving means issues and archives a tag pointing the archiving means that archives the metadata that explains the essence, as recited in claim 1.

Furthermore, this deficiency of Sheth is not cured by the supplemental teaching of Kilpatrick.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, the independent claims 2-21 and 23-32 are also patentable.

V. DEPENDENT CLAIMS

Since the other claims are each dependent from one of the independent claims discussed above, they are also patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on

each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION


In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800